

South Carolina Advisory Council on the Education of Students with Disabilities

South Carolina Vocational Rehabilitation Department
Human Resources Development Center
September 11, 2009

Members Present: Beckie Alexander, Amanda Alford, JoAnn Bachman, Dea Baldwin, Ashley Bender, Lisa Bovard, Kim Bryant, Kay Ciganovic, Tim Conroy (substitute for Craig Stoxen), Suzanne Cooke, Linda Coon, Dr. Vivian Correa, Sue Davis, Sharon Durham, Representative Shannon Erickson, Julie Fowler, Dr. Diane Gaskins, Michael Graham, Lauri Hammond, Lisa Harmon, Linda Hill, Tanya Inabinet, Kerry Johnson, Shannon Lindsay, Pheobe Malloy, Bev McCarty, Dianne Mclean, Brenda Myers, Patty Devine Myers, Mike Neves, Dr. Karen Pettus, Sarah Pope, Susan Carter Spain, Dr. Daniel Varat, Jacqueline Venning, Lillian Walker, and Dr. Mitch Yell.

Guests: Dr. Bill Brown, Dr. Herman Knopf, and Clemson University doctoral students

SCDE Staff Present: Dr. Susan Floyd, Marlene Metts, Tarry McGovern, Mike Paget, Trishun Pittman, Elizabeth Stout, and Dana Reed.

The Advisory Council meeting opened on September 11, 2009, with a welcome from Ms. Dea Baldwin, Chairperson, and an introduction of members and guests.

Council Business

Ms. Baldwin welcomed new members to the advisory council and explained some of the logistics of the council including: meeting dates, roles of guests at Advisory Council meetings, time for public comment, and reimbursements for travel. The committees were then introduced. Ms. JoAnn Bachmann provided information about the Recruitment and Retention Committee and its recent position paper. Mr. Michael Graham provided information about the newly formed Dispute Resolution Committee and how the recent visit by the Center for Appropriate Dispute Resolution in Special Education (CADRE) was a big factor in creating this new committee. Dr. Vivian Correa provided information about the standing Pre-School Committee and its

responsibility to submit an annual report every February for the state legislature. Ms. Ashley Bender and Mr. Mike Neves provided information about the Safe Schools/Mental Health Committee and its recent position paper. Ms. Kay Ciganovic provided information on the Self-Advocacy/Transition Committee and its recent position paper.

Committee Work

After committee introductions, Advisory Council members joined their respective committees for work. New members were invited to join any of the committees in which they were interested and were informed that they would be asked to officially join a committee at the end of the Advisory Council meeting. Committee chairs provided the full Advisory Council with updates of each committee's work in the afternoon.

Mr. Graham reviewed what had been discussed in the Dispute Resolution Committee. Mr. Graham provided the Advisory Council with handouts that listed the committee's four current recommendations: (1) on site compliance, (2) facilitated IEP meetings, (3) the appointment of due process hearing officers on a rotational basis, and (4) the posting of due process hearings results on the OEC website. Mr. Graham stated the committee would be asking for member comments before submitting the recommendations to the OEC.

Ms. Bender and Mr. Neves provided an update on the Safe Schools/Mental Health Committee's session. Ms. Bender explained the main topic of discussion was seclusion and restraint. However, the committee feels it is ready to move on from this issue. Ms. Bender and Mr. Neves informed the Advisory Council that the next topics the committee will address include: (1) the effect of zero tolerance policies in schools, (2) lack of mental health workers/services in public schools, (3) and a possible return to a focus on bullying issues.

Dr. Mitch Yell provided an update from the Recruitment and Retention Committee. Dr. Yell explained that South Carolina is progressive in its Research to Practice Institutes and is a leader in the nation using Positive Behavior Intervention Supports (PBIS) in schools. Jane Shuler use to have the position at the SCDE that covered PBIS, but she has retired. The committee is concerned that the position needs to be filled.

Ms. Lauri Hammond provided an update on the Self-advocacy/Transition Committee. Ms. Hammond explained the

committee is ready to move on to a new topic after submitting its recent position paper. The committee will continue to look into the issue of a statewide alternative diploma. There was also discussion of students coming from out of home placements and trying to transition back into school. Advisory Council member Ms. Bev McCarty suggested the committee address the issue of children transitioning from the age of majority. For example, issues can arise when children are suddenly placed in charge of their own individualized education programs (IEPs).

Dr. Vivian Correa updated the advisory council on the Pre-School Committee's discussions. The committee spent much of its time identifying the needs related to preschool children and then discussing the report that it is charged with submitting. The committee would like to (1) update the OEC's website with information, templates, and documents to encourage consistency between and among the school districts with the transition from Part C to Part B, and (2) have regional meetings about these issues.

Orientation for New Members

During lunch, new members were presented with information about the Advisory Council. This included information about the basis for the formation of the Advisory Council, members' roles and responsibilities, (e.g. advising vs. advocating), and committee work.

OEC Updates

Mr. Mike Paget, Education Associate, OEC, provided the Advisory Council with an update on seclusion and restraint. Mr. Paget explained that largely as a result of the Safe Schools/Mental Health Committee's work on seclusion and restraint, the OEC has formed a workgroup charged with drafting state guidelines on the use of seclusion and restraint in public schools. Mr. Paget also informed the advisory council about the "Linking Families, Schools, and Communities" conference being held in October.

Ms. Marlene Metts, new Director of the OEC, provided an update for Advisory Council members. She explained the current state findings made by the Office of Special Education Programs (OSEP) and how the current determination for our state is "needs assistance." Per Ms. Metts, the state has improved on indicator 11 (60 day timelines) and indicator 12 (Part C transition of preschool children, IEPs implemented by 3rd birthday). The state did get score high levels of substantial

compliance in other areas, which Ms. Metts listed for the advisory council. Ms. Metts then explained that similar to the OSEP, the state issues its own findings on each school district. These findings are posted on the OEC website. Districts in non-compliance are notified by letter.

Ms. Metts then provided the advisory council information on Proviso 1.77, covering residential treatment facilities and responsibilities for the education of those students. Ms. Dana Reed and Ms. Barbara Drayton, SCDE staff, made three presentations around the state on this new proviso.

Eligibility criteria revisions were then discussed by Ms. Metts. Per Ms. Metts, the OEC started to bring together district and agency representatives, parents, and OEC staff in the summer of 2008 to discuss revising the state eligibility criteria for special education. The work on this matter stalled as the OEC did an internal review; however, the OEC will soon be reviving work in this area.

In addition, Ms. Metts reviewed stimulus funds. Ms. Metts stated that the SCDE website has a list of all funds now passing through the SCDE to school districts and school districts are now receiving grant applications including stimulus applications. According to Ms. Metts, the stimulus funds may aide districts in the interim with their current budget cuts.

In closing, Ms. Metts stated that two positions need to be filled within the OEC office: a school psychologist/transition needs specialist, and a data analyst position. Dr. Yell asked Ms. Metts whether the OEC was planning on filling the recently vacated PBIS position. Ms. Metts explained that she is currently gathering data on PBIS to evaluate the need for the position.

BabyNet Update

Dr. Daniel Varat, new member and Chair of the Interagency Coordinating Council (ICC), explained that he was appointed the ICC Chair by the governor. Dr. Varat stated that BabyNet is in the process of transitioning from having the Department of Health and Environmental Control (DHEC) as its lead agency to having First Steps serve as the lead. Per Dr. Varat, the move was made as a result of a consensus that First Steps would be a better fit as a lead agency. The final transition date for BabyNet is currently slated for January 2010.

Currently, First Step has created workgroups for the transition, and each workgroup will be submitting a report. On November 1st the reports will be reviewed. The goal of the transition is to not disrupt services for infants and toddlers.

Council Business

Ms. Baldwin asked for members to review the minutes of the last Advisory Council meeting. The minutes were approved. Ms. Baldwin then set aside time for public comment. After the opportunity for public comment the advisory council meeting was adjourned.